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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,074	11/26/2003	David C. Long	J-3679A	8629
28165	7590	03/16/2006	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 03/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,074

Applicant(s)

LONG ET AL.

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913) in view of Zafiroglu (USPN 4820435), Zayas (USPN 5493749) and Blaustein et al. (USPN 6725490).

Adams teaches a portable powered cleaning device comprising a housing (12) and motor (26) mounted in the housing. The motor comprises a drive shaft (36), which is coupled to a carrier (40). The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (52) removably attached to the carrier and recesses filled with surface treatment (56) located between the cleaning attachment and the carrier. The cleaning attachment is made from rubber. The surface treatment composition is in liquid, gel or paste form and can be used to clean or polish. The surface treatment comprises solvents or perfumes. Adams teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is located in a separate packet and also that the cleaning attachment is attached to the carrier by a hook and loop fastener connection. Adams also fails to teach that the carrier reciprocates between 3,000 and 10,000 cycles per minute. Zafiroglu teaches liquid dispensing packets containing liquid concentrated which can be placed insides

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sponges, or within an outer net fabric, or within an abrasive outer fabric (col. 3, lines 13-15).

Zayas teaches a cleaning device which comprises a cleaning attachment attached to a carrier by many fastening means such as clips, snaps or hook and loop material (col. 3, lines 29-32).

Blaustein teaches a cleaning element with a cleaning attachment that reciprocates at 6,000 cycles per minute (col. 4, line 5).

It would have been obvious to replace the recesses filled with surface treatment composition as taught by Adams with the water dissolvable liquid dispensing packets of Zafiroglu since it would be easier to refill the hand held scrubber when more surface treatment was necessary. Also the packets are more advantageous since the surface treatment will not spread through the cleaning attachment until wet. Additionally, Adams states that any type of fastener could be used to attach the cleaning attachment (col. 2, lines 40-47), and Zayas teaches that snaps, clips and hook and loop fastening means are interchangeable, it would have been obvious to modify Adams' fastening means so that hook and loop material is used to attach the cleaning attachment. Additionally, it would have been obvious to modify Adams, Zafiroglu and Zayas' invention to reciprocate at least 3,000 cycles per minute to achieve proper cleaning and scrubbing.

With regards to claim 9, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the attachment triangular because Applicant has not disclosed that a triangular shaped attachment provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with round attachment or the triangular attachment because both shapes perform the same function of cleaning equally well. Therefore,

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it would have been obvious to one of ordinary skill in the art to modify Adams in view of Zafiroglu to obtain the invention as specified in claim 9.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913), Zafiroglu (USPN 4820435), Zayas (USPN 5493749), Blautstein (USPN 6725490) further in view of Dickler (USPN 6037319).

Adams, Zafiroglu, Zayas and Blaustein teach all the essential elements of the claimed invention however fails to teach that the surface treatment composition is water dissolvable and that the packet is made of polyvinyl alcohol. Dickler teaches a liquid dispensing packet made from a water dissolvable material such as polyvinyl alcohol. It would have been obvious to use make the packages of treatment composition of Zafiroglu water dissolvable as taught by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

Claims 1, 5-7, 8-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625) in view of Zafiroglu (USPN 4820435), Zayas (USPN 5493749) and Blaustein et al. (USPN 6725490).

Siman teaches a portable powered cleaning device comprising a housing (1) and motor (3) mounted in the housing. The motor comprises a drive shaft (6), which is coupled to a carrier (27, 28). The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (30) removably attached to the carrier. There is a rechargeable

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battery disposed in the housing for powering the motor. Additionally there is a power switch (12) coupled between the battery and the motor. The cleaning attachment is made from cloth, sponge, bristles, foams or polymers. The surface treatment composition is in liquid, gel or paste form and can be used to clean or polish. The surface treatment comprises surfactants, solvents, abrasives or perfumes. The carrier further comprises a substantially rigid body coupled to the drive shaft by a bearing (7). The carrier further comprises a plate attached to the bottom side of the carrier. There is a foam layer adhered to an underside of the carrier plate. Siman teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is located in a separate packet and that the cleaning attachment is attached to the carrier by a hook and loop fastening means. Siman also fails to teach that the carrier reciprocates between 3,000 and 10,000 cycles per minute. Zafiroglu teaches liquid dispensing packets containing liquid concentrated which can be placed inside sponges, or within an outer net fabric, or within an abrasive outer fabric (col. 3, lines 13-15). Zayas teaches a cleaning device which comprises a cleaning attachment attached to a carrier by many fastening means such as clips, snaps or hook and loop material (col. 3, lines 29-32). Blaustein teaches a cleaning element with a cleaning attachment that reciprocates at 6,000 cycles per minute (col. 4, line 5).

It would have been obvious to replace the recesses filled with surface treatment composition as taught by Siman with the water dissolvable liquid dispensing packets of Zafiroglu since it would be easier to refill the hand held scrubber when more surface treatment was necessary. Also the packets are more advantageous since the surface treatment will not spread through the cleaning attachment until wet. Additionally, it would have been obvious to modify Siman's fastening means (which are not disclosed) with a hook and loop material is used to attach

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the cleaning attachment as taught by Zayas so that once the cleaning attachment becomes used or worn it can be easily removed and replaced. Additionally, it would have been obvious to modify Adams, Zafiroglu and Zayas' invention to reciprocate at least 3,000 cycles per minute to achieve proper cleaning and scrubbing.

With regards to claim 9, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the attachment triangular because Applicant has not disclosed that a triangular shaped attachment provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a round or triangular attachment because both shapes perform the same function of cleaning equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Siman to obtain the invention as specified in claim 9.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625), Zafiroglu (USPN 4820435), Zayas (USPN 5493749) and Blaustein (USPN 6725490) and further in view of Dickler (USPN 6037319).

Siman, Zafiroglu, Zayas and Blaustein teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is water dissolvable and that the packet is made of polyvinyl alcohol. Dickler teaches a liquid dispensing packet made from a water dissolvable material such as polyvinyl alcohol. It would have been obvious to use make the packages of treatment composition of Zafiroglu water dissolvable as taught by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a

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non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913), Zafiroglu, Zayas and Blaustein as applied to claim 1 above and further in view of James (USPN 6305044).

Adams, Zafiroglu, Zayas and Blaustein teach all the essential elements of the claimed invention however fail to teach that the packet of surface treatment is perforated and includes a peel-off layer. James teaches a packet of surface treatment that comprises a peel-off layer to reveal the surface treatment. It would have been obvious to replace the packets of surface treatment of Adams, Zafiroglu, Zayas and Blaustein with the peel-off layer packets of James since it could be controlled when the surface treatment was supposed to be used. The peel-off layer could be removed right before use and would eliminate unnecessary spilling or use of the surface treatment.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siman, Zafiroglu, Zayas and Blaustein as applied to claim 1 above and further in view of Super (USPN 6493903).

Siman, Zafiroglu, Zayas and Blaustein teach all the essential elements of the claimed invention however fail to teach a lamp located in the forward part of the housing. Super teaches a cleaning device comprising a headlamp. It would have been obvious to add a head light to Siman, Zafiroglu, Zayas and Blaustein's invention so that the area being cleaned can be illuminated to allow for a proper and thorough cleaning of the area.

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Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, Zafiroglu, Zayas and Blaustein as applied to claim 1 above and further in view of Super (USPN 6493903).

Adams, Zafiroglu, Zayas and Blaustein teach all the essential elements of the claimed invention however fail to teach a lamp located in the forward part of the housing. Super teaches a cleaning device comprising a headlamp. It would have been obvious to add a head light to Adams, Zafiroglu, Zayas and Blaustein's invention so that the area being cleaned can be illuminated to allow for a proper and thorough cleaning of the area.

Allowable Subject Matter

Claims 30-31 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 30 teaches a cleaning attachment as well as a scrub brush external to the cleaning attachment that reciprocates in a non-circular orbital path. Both the cleaning attachment and the scrub brush are located on a carrier that reciprocates with respect to the housing. The scrub brush comprises an elongated body located between the carrier and the cleaning element. Gruber et al. (USPN 6463615) fails to teach a scrub brush reciprocating in a non-circular orbital path.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 1/26/06 have been fully considered but they are not persuasive.

Applicant argues that Zayas uses her hook and loop attachment to attach a sponge to a base, not to attach her cover to the base and thus, she is using the hook and loop attachment for a quite different purpose. The carrier in the current application is equivalent to the Zayas base and the cleaning attachment is equivalent to Zayas sponge. Both the cleaning attachment of the present invention and the sponge of Zayas are to be attached to the base by means of a hook and loop material. Therefore, the applicant is correct in stating that the hook and loop material is not used to attach the cover to the base, however that was not the purpose of Zayas. The Zayas reference was used to show that the sponge (cleaning attachment) is connected to the base (carrier) by means of a hook and loop material as claimed. Thus the hook and loop material of Zayas is used for the same purpose as the present invention; i.e. to attach the cleaning attachment to the carrier.

Applicant further argues that Zayas teaches using the hook and loop connection on a manual scrubber and not on an automatic one. Examiner would like to point out that it does not matter what type of scrubber the hook and loop is being used for. Zayas teaches using various different types of attachments, snaps, hook and loop, clips and that these attachments are interchangeable. Therefore, since they are interchangeable then it would have been obvious to use hook and loop or snaps or clips on an automatic scrubber as well as on a manual.

The applicant states that prior to the present invention, one would have thought that a cleaning pad mounted to a high speed-reciprocating device by just a hook and loop attachment

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would have been too easily stripped off during use. This argument does not provide proof that the hook and loops as used by Zayas are any different than the hook and loops of the present invention. Since both hook and loops have the same structure, they inherently will function in the same manner. The applicant needs to claim the differences between the hook and loops of Zayas and the hook and loops of the present invention and why the hook and loops of the present invention allow the cleaning pad to stay attached and why the hook and loops of the Zayas would not stay attached.

Applicant also states that the most secure attachment requires the entire facing surface to have hook and loops in contact. This feature is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Slb
3/9/06


GLADYS J.P. CORCORAN
PRIMARY EXAMINER